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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,587	10/25/2001	Bin Lian	INTL-0623-US (P11954)	4948

7590 09/08/2004

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HOUSTON, TX 77024-1805

EXAMINER
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ANYASO, UCHENDU O

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/029,587

**Applicant(s)**

LIAN ET AL.

**Examiner**

Uchendu O Anyaso

**Art Unit**

2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8-12 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-12 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. **Claims 8-12 and 15** are pending in this action.

***Claim Rejections - 35 USC ' 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 8-12 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Henty* (U.S. Patent 5,838,138) in view of *Herron* (U.S. 3,895,236).

Regarding **independent claim 8**, and for **claim 12** *Henty* teaches a wireless device for a processor-based device by teaching a wireless remote controller 140 (column 6, lines 40-45).

Furthermore, *Henty* teaches a joystick to provide bi-directional inputs by teaching how the wireless remote controller 140 also includes a multi-directional controller as shown with joystick 148 (column 6, lines 53-55, figure 8a at 148).

Furthermore, *Henty* teaches a plurality of mechanical to electrical energy converters, each associated with one of said input devices; and a transmitter, coupled to the mechanical to electrical energy converters so as to transmit a control signal in response to a manual operation thereof (*see* column 6, lines 64 through column 7, lines 1-9, figure 8b; *see also* column 10, lines 5-14, figure 8a, 8b).

However, *Henty* does not teach an element coupled to joystick to convert rotation in one direction of the joystick into rotary motion. On the other hand, *Herron* teaches an energy

Art Unit: 2675

conversion apparatus wherein an element such as a flywheel 19 is coupled to a means for linear to rotary motion conversion 15 and functions as an energy storage mechanical device (column 3, lines 2-8, figure 2 at 15, 19).

Thus, it would have been obvious to a person of ordinary skill in the art to combine Henty and Herron because while Henty teaches a wireless device for a processor-based device by teaching a wireless remote controller 140 (column 6, lines 40-45), Herron teaches how an energy conversion apparatus would be incorporated in a device such as a joystick in a wireless controller wherein an element such as a flywheel is coupled to a means for linear to rotary motion conversion and functions as an energy storage mechanical device (column 3, lines 2-8, figure 2 at 15, 19). The motivation for these inventions would have been to reduce the amount of electric consumption by an operator (column 1, lines 38-45).

Furthermore, Herron teaches how a mechanism would be coupled to the element to disengage the element in response to the operation of the joystick in the opposite direction by teaching how an embodiment for converting linear to rotary motion wherein the shaft 33 (joystick) supported by bearings 35 will have formed on its end a rack gear 91 which engages a pinion gear 93 connected through a clutch 95 to a generator 97 such that **the clutch will be adapted to engage only when the shaft 33 is moving in the direction of arrow 99** (column 6, lines 44-52, figure 5, 8 at 33, 95). Also, a flywheel may be included between the clutch 95 and generator 97 (column 6, lines 44-52, figure 5, 8 at 33, 95).

Regarding **claims 9-11**, in further discussion of claims 8, Henty teaches a wireless device for a processor-based device by teaching a wireless remote controller 140 (column 6, lines 40-45).

Regarding **claim 15**, in further discussion of claim 8, Henty teaches an auxiliary battery (figure 9 at 162).

#### ***Response to Arguments***

4. Applicant's amendments and arguments filed August 6, 2004 with respect to claims 8-12 and 15 have been considered but they are not persuasive.

Applicant amended independent claim 8 to call a joystick that can be rotated in either of two directions. Applicant then argues that referring to Figure 4 of his invention, the joystick may be rotated in the direction E or opposite thereto. Hence, applicant contends that when the joystick 18 is operated in a direction opposite to the direction E, the actuator 24 is removed from the wheel 27. Applicant then concludes that no such operation is shown in the cited references and, therefore, reconsideration is respectfully requested.

In response to these applicant's amendments and arguments, Applicant should note that Henty does indeed teach a joystick that can be rotated in either of two directions by teaching how the wireless remote controller 140 also includes a multi-directional controller as shown with joystick 148 (column 6, lines 53-55, figure 8a at 148).

Furthermore, in response to Applicant's feature of the actuator 24 being removed from the wheel 27 when the joystick 18 is operated in a direction opposite to the direction E, Herron

Art Unit: 2675

teaches an embodiment for converting linear to rotary motion wherein the shaft 33 (joystick) supported by bearings 35 will have formed on its end a rack gear 91 which engages a pinion gear 93 connected through a clutch 95 to a generator 97 such that **the clutch will be adapted to engage only when the shaft 33 is moving in the direction of arrow 99** (column 6, lines 44-52, figure 5, 8 at 33, 95). Also, a flywheel may be included between the clutch 95 and generator 97 (column 6, lines 44-52, figure 5, 8 at 33, 95).

As such, Applicant's arguments are not persuasive and this application in its current form is not allowable.

#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uchendu O. Anyaso whose telephone number is (703) 306-5934. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Saras, can be reached at (703) 305-9720.

#### **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

#### **or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, 6<sup>th</sup> Floor (Receptionist). Any inquiry of a general nature or relating to the status of this

Application/Control Number: 10/029,587

Page 6

Art Unit: 2675


application or proceeding should be directed to the Technology Center 2600 Customer Service

Office whose telephone number is (703) 306-0377.



Uchendu O. Anyaso

09/4/2004



CHANH NGUYEN  
PRIMARY EXAMINER